

AMENDED IN SENATE APRIL 18, 2007

SENATE BILL

No. 128

Introduced by Senator Margett

January 23, 2007

An act *to amend Section 935.6 of, and to add Section 935.75 to, the Government Code, relating to state claims.*

LEGISLATIVE COUNSEL'S DIGEST

SB 128, as amended, Margett. State claims: Department of the California Highway Patrol.

Under existing law, the California Victim Compensation and Government Claims Board may authorize any state agency to settle and pay certain claims for money or damages against the state if the settlement does not exceed \$1,000 or that lesser amount as the board may determine, or to reject the claim and provide a specified notice.

This bill would, notwithstanding the above provision, authorize the Department of the California Highway Patrol to deny or adjust and pay a claim arising out of the activities of the department without the prior approval of the California Victim Compensation and Government Claims Board, if the amount claimed is ~~\$10,000~~ \$5,000 or less and the Director of Finance or the Commissioner of the California Highway Patrol certifies that a sufficient appropriation for the payment of the claim exists. *The bill also would require the California Victim Compensation and Government Claims Board to advise the Governor and the Legislature whether the claim amount that the board may authorize a state agency to settle and pay out pursuant to the above provision should be increased for all state agencies, and, if so, the amount of any recommended increase.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 **SECTION 1.** *Section 935.6 of the Government Code is amended*
2 *to read:*

3 935.6. (a) The Victim Compensation and Government Claims
4 Board may authorize any state agency to settle and pay claims
5 filed pursuant to subdivision (c) of Section 905.2 if the settlement
6 does not exceed one thousand dollars (\$1,000) or that lesser amount
7 as the board may determine, or to reject the claim and provide the
8 notice required by Section 913. The board may require state
9 agencies that it so authorizes to report annually to the board
10 concerning the claims resolved pursuant to this section.

11 (b) As used in this section, “state agency” means any office,
12 officer, department, division, bureau, board, commission, or agency
13 of the state, claims against which are paid by warrants drawn by
14 the Controller, but does not mean any judicial branch entity, as
15 defined in Section 900.3, or any judge thereof.

16 (c) *The board shall advise the Governor and the Legislature*
17 *whether the claim amount that the board may authorize a state*
18 *agency to settle and pay out pursuant to subdivision (a) should be*
19 *increased for all state agencies, and, if so, the amount of any*
20 *recommended increase.*

21 **SECTION 1.**

22 **SEC. 2.** *Section 935.75 is added to the Government Code, to*
23 *read:*

24 935.75. (a) Notwithstanding Section 935.6, the Department
25 of the California Highway Patrol may deny or adjust and pay a
26 claim arising out of the activities of the department without the
27 prior approval of the California Victim Compensation and
28 Government Claims Board if both of the following conditions
29 exist:

30 (1) The amount claimed is ~~ten~~ five thousand dollars ~~(\$10,000)~~
31 ~~(\$5,000)~~ or less.

32 (2) The Director of Finance or the Commissioner of the
33 California Highway Patrol certifies that a sufficient appropriation
34 for the payment of the claim exists.

- 1 (b) If the department elects not to pay a claim, the department
2 shall provide the notice required by Section 913.
- 3 (c) A person who submits a claim arising out of an activity of
4 the Department of the California Highway Patrol shall comply
5 with all other applicable provisions of this part relating to claims
6 against state agencies.

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